

U.S. Department of
Homeland Security

United States
Coast Guard

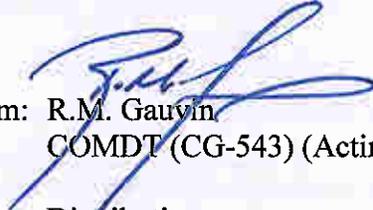


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CG-543 Policy Letter
No. 10-03

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From: 
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To: Distribution

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS
(MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

Ref: (a) 46 CFR 11.467
(b) 46 CFR 11.201(i)
(c) 46 CFR 10.225
(d) 46 CFR 11.205

1. Purpose. Establish minimum requirements for, and provide guidance to Officers in Charge, Marine Inspection (OCMI) in determining appropriate qualifications for restricted OUPV endorsements within their Area of Responsibility (AOR).
2. Background.
 - a. Reference (a) establishes the requirements that must be met for applicants to be issued a merchant mariner credential (MMC) as Operator of Uninspected Passenger Vessels (OUPV). These requirements are summarized in enclosure (1). Recent Uninspected Passenger Vessel (UPV) outreach efforts and enforcement have led to the discovery of wide spread non-compliant operations. The vast majority of these operations are located on small remote federally navigable waterways not subject to routine Coast Guard presence. These waters present a low risk and the operations upon them lend themselves to issuance of a credential with qualifications less than the full OUPV requirements of reference (a). While these operations present a more limited risk, they are not eligible for the limited OUPV licenses issued to applicants employed by formal camps, yacht clubs, educational institutions and marinas as described in paragraph (g) of reference (a).
 - b. Reference (b) authorizes OCMI's to adjust the service and examination requirements to satisfy the unique qualification requirements of an applicant. These determinations are highly individualized and the resulting MMC endorsements are unique with respect to the service and examination requirements, area of operation and other restrictions imposed by the OCMI. In an effort to standardize the process and provide a consistent approach to making these determinations, Coast Guard Headquarters is establishing guidelines for developing restricted OUPV endorsements in accordance with reference (b). Marine safety

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS
(MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

will be enhanced by ensuring reasonable minimum standards are developed in a manner consistent with the risks presented by a particular waterway. These requirements should be developed in a process that works to minimize adverse impacts on industry, develops and strengthens partnerships with local/state boating authorities, and provides the most effective use of Coast Guard resources.

3. Directives Affected. Guide for Administration of Merchant Marine Deck Examinations (Deck Guide).

4. Discussion.

a. Risk Assessment. OCMI should use the flow chart in enclosure (2) to assist in determining whether a particular waterway is an appropriate area of operation for an OUPV endorsement with restrictions based on an applicant's unique qualification requirements in accordance with reference (b) (hereinafter "restricted endorsement"). The OCMI should seek approval of the proposed restricted endorsement from the Office of Vessel Activities (CG-543). The process of approving a restricted OUPV endorsement for a geographical location is as follows:

i. The OCMI must conduct a risk assessment of the waterways in the geographic area of interest. At a minimum, factors considered must include:

(1) Navigational complexity,

(2) Vessel traffic,

(3) Characteristics of the waterway, and

(4) Availability of emergency resources in the immediate vicinity.

ii. Based upon the risk assessment, the OCMI should determine appropriate examination and service requirements as well as any appropriate restrictions upon the credential. Care must be taken when recommending a reduction of the service requirements. When proposing a restricted endorsement, each specific geographic area and waterway within the proposed restriction must be assessed for potential risk.

iii. Requests for approval of a restricted OUPV endorsement must be submitted via the chain of command to CG-543. The request must include the results from the risk assessment and a map outlining the area's geographic restriction. The request must also include:

(1) Recommendations on the minimum experience requirement;

(2) Appropriate verbiage describing the geographic area covered by the restricted OUPV endorsement. This description will be printed on the MMC and the description should be clear and concise as possible. Mariners and enforcement

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS (MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

officials need to be able to readily determine the area of operation authorized by the credential; and

- (3) Any additional knowledge or service requirements that may need to be specially incorporated for that area.

If a geographic area does not entirely meet the criteria in enclosure (2), an OCMI may still seek the endorsement, but must provide rationale for such deviation as well as proposed alternative arrangements.

- iv. CG-543 will look at all supporting documents to decide if it would be appropriate to approve the request for a restricted endorsement.
- v. CG-543 will outline the requirements for any restricted endorsement in the formal approval notification so they are understood by the OCMI and NMC as well as any applicant seeking the restricted endorsement. CG-543 will notify NMC of the approval and requirements so MMC applications for restricted OUPV endorsements can be handled accordingly. Public notification to the state/local community of the approval will be the responsibility of the OCMI.

b. Mariner application process. The minimum requirements established below are found in references (b), (c), and (d). Enclosure (1) provides a quick reference guide for these requirements.

- i. A complete application for restricted OUPV endorsement must contain the following:
 - (1) Proof that the mariner either holds a valid TWIC or has applied for a TWIC.
 - (2) Proof of completion of a Coast Guard approved or accepted first aid/CPR course.
 - (3) Appropriate documentary evidence of sufficient experience operating upon the geographic area of interest. The amount of sufficient experience will be noted in the formal approval notification by CG-543.
 - (4) Evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from testing in 46 CFR 16.220.
 - (5) Proof, documented on the 719K form, of the applicant passing all applicable vision, hearing medical and/or physical exams as required by 46 CFR 10.215.
 - (6) An official oath as required by 46 CFR 10.225(b)(9).
 - (7) Consent to a Coast Guard review of the National Driver Register in accordance with 46 USC 7101(g).

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS (MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

- ii. In accordance with reference (b), the OCMI may lower the age requirement. Generally, the applicant must be no less than 17 years of age. Any further age restrictions should be limited to family members involved in family-owned businesses and in no case below the age of 16. State laws may further increase the minimum age.
 - iii. Completion of the required examinations set forth in the Examination Guidelines below or proof of completion of an approved U.S. Coast Guard OUPV course.
- c. Examination Guidelines. As indicated in reference (b), an applicant for a restricted OUPV endorsement must successfully complete an appropriate exam. While applicants may take the standard examination for OUPV, the restricted OUPV exam has been designed for an operator of UPVs on an inland, uncharted, geographic waterway with no International Association of Lighthouse Authorities (IALA-B) buoyage system in place and with limited commercial vessel traffic. The minimum examination for a geographically restricted OUPV endorsement should include:
- i. Rules of the Road – A minimum of 30 questions on Inland Rules to include any local concerns identified in the risk assessment. The minimum passing score will be considered 80%.
 - ii. Navigation General- A minimum of 10 questions to include any local concerns identified in the risk assessment. The minimum passing score will be considered 70%.
 - iii. Deck General / Safety & Environmental Protection – A minimum of 40 questions to include any local concerns identified in the risk assessment. The minimum passing score will be considered 70%.
- d. Local OCMI's should provide any necessary additional questions on local knowledge or state regulations to the Training and Assessment Division (NMC-2). OCMI's may suggest further alterations to the examination requirements based on the local risk assessment.
- e. As an alternative, applicants have the option of meeting the examination requirement by completion of an approved Coast Guard OUPV course.
- f. OCMI's with existing processes for the issuance of a restricted OUPV endorsement may continue using those processes until December 31, 2010. Any credential sought after that date should comply with the direction of this policy letter.
- g. An estimated cost breakdown for obtaining a MMC with a restricted OUPV endorsement is in enclosure (3).

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS
(MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

5. Action.

- a. All OCMI's and the National Maritime Center (NMC) shall be guided by the information in this policy letter.
- b. Commanding Officers of units with marine safety responsibilities should bring this policy letter to the attention of the maritime industry and the appropriate state boating law administrators in their area of responsibility.
- c. This policy is posted along with other CG-543 policy letters on the Coast Guard's Homeport internet website at <http://homeport.uscg.mil> by selecting the following links: Library > Policy > Policy Letters > Inspection.

6. Disclaimer:

- a. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic. You can use an alternative approach if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact Luke Harden at 202-372-1206 who is responsible for implementing this guidance.
- b. This is not a significant guidance document. It does not lead to an annual effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 13422.

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Enclosure: (1) Summary of Officer Endorsement Requirements for OUPV
(2) Restricted Licensure Waterway Determination Flowchart
(3) Operator Uninspected Passenger Vessel Credential Alternatives

Distribution: All Area/District (p) offices
All Sectors/ Activities and MSU's
National Maritime Center

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS (MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

SUMMARY OF OFFICER ENDORSEMENT REQUIREMENTS

	OUPV (non-restricted)	Limited OUPV	OUPV-Restricted
CFR	46 CFR 11.467	46 CFR 11.467(g)	46 CFR 11.467 46 CFR 11.201(i)
TWIC Required	Yes	Yes	Yes
Minimum Age	18 ¹	18 ¹	18 ¹
Sea Service	12 Months	3 Months	OCMI Discretion ²
First Aid/CPR training	Yes	No ³	Yes ³
Examination ⁴	Yes	Yes	OCMI Discretion ²
Safe Boating Course ⁵	No	Yes	No

¹ Per 46 CFR 11.201(i) the OCMI has authority to lower the age requirement for OUPV applicants. Per DOL regulations, the age cannot be less than 16. Additionally, since DOL does not allow persons under age 17 from operating motor vehicles with passengers, it is recommended that OCMI's be consistent with this provision.

² Per 46 CFR 10.201(i) the OCMI may modify exam and/or service requirements based on the unique qualifications of the applicant. The authority of the endorsement will be restricted to reflect any modifications to the qualification requirements.

³ First aid & CPR training is only required when the OCMI determines that the geographic area over which service is authorized precludes obtaining medical services within a reasonable time.

⁴ Coast Guard approved courses may be substituted for required examinations. For Limited OUPV, the exam is a limited examination appropriate for the activity to be conducted.

⁵ For Limited OUPV, the safe boating course is required in addition to a limited examination.

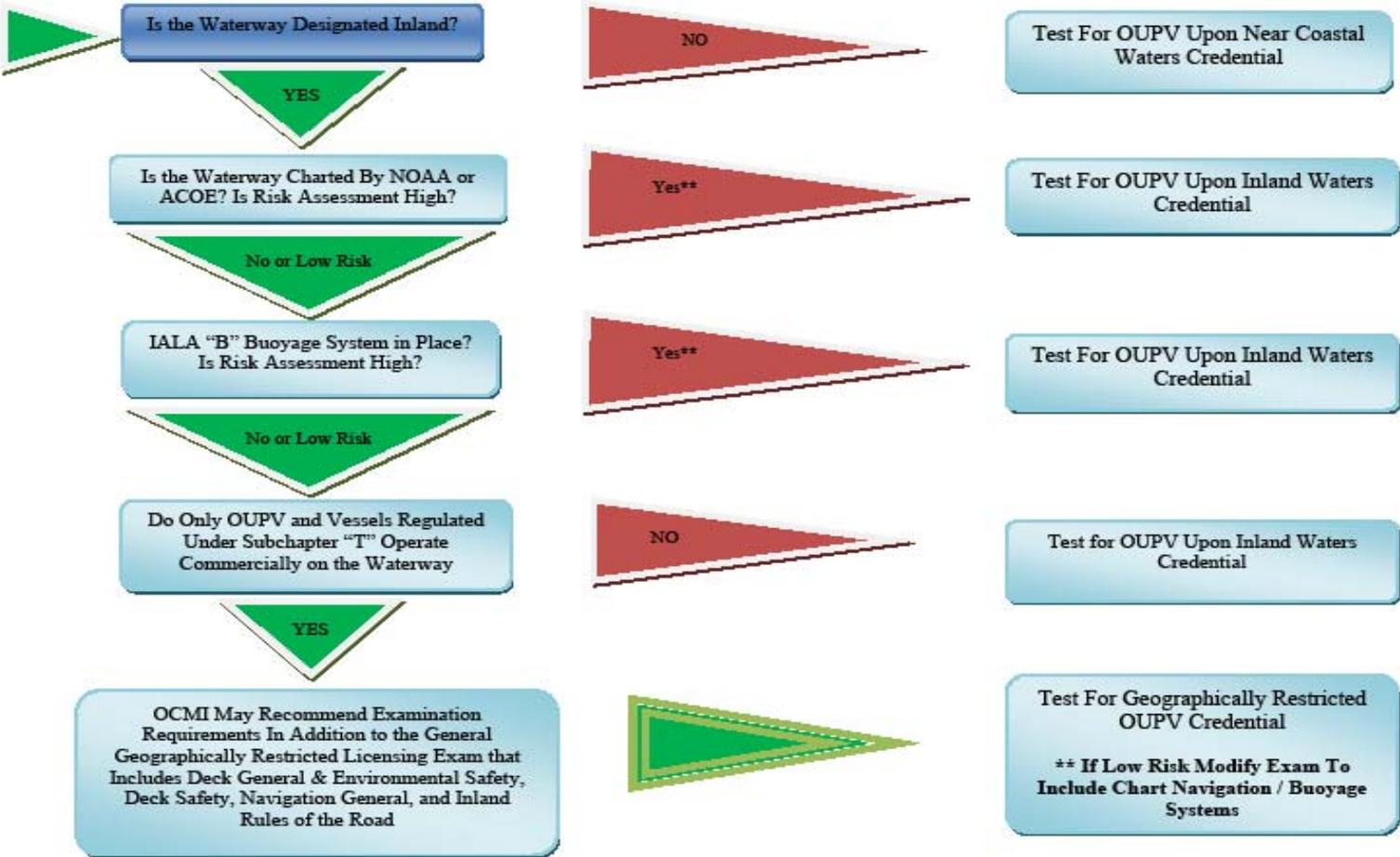
Limited OUPV – Under 46 CFR 11.467(g) endorsements for operators of uninspected passenger vessels may be issued to applicants to be employed by organizations such as formal camps, yacht clubs, educational institutions, and marinas. An endorsement issued under this paragraph will be *limited* to the specific activity and the locality of the camp, yacht club, or marina. For example, Operator of Uninspected Passenger Vessel Limited to Launch Tender Operations at Biscayne Bay Yacht Club, Miami, Florida.

Restricted Endorsements - Under 46 CFR 11.201(i) an OCMI may modify the service and examination requirements in this part to satisfy the unique qualification requirements of an applicant. The authority granted by an endorsement will be *restricted* on its face to reflect any modifications made under the authority of this paragraph. For example, Operator of Uninspected Passenger Vessels Upon Inland Waters *Restricted* to Lake Vermillion, Minnesota.

Individual applicants seeking either a restricted or limited officer endorsement under these two provisions must still meet certain service requirements and must pass examinations, which are modified by the Coast Guard to meet the unique circumstances of the restrictions or limitations of the credential. In lieu of exams, applicants may take approved courses. In some instances, OCMI's have allowed completion of a "Safe Boating" course approved by the National Association of State Boating Law Administrators to satisfy the requirement to complete a professional examination; however, this course is insufficient for an individual to receive a restricted OUPV endorsement. In other instances, the Coast Guard has developed appropriate examinations for the restricted credentials.

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS (MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

Geographically Restricted Licensure Waterway Determination Flowchart



Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS (MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

Operator Uninspected Passenger Vessel Credential Alternatives

The approximate costs to be incurred by the individual mariner for each alternative are as follows:

	OUPV (non-restricted)	Limited OUPV	OUPV Restricted
TWIC* ¹	\$132.50	\$132.50	\$132.50
USCG Application/Issuance Fees * ⁴	\$145.00	\$145.00	\$145.00
CPR & First Aid Training	\$ 60.00	\$ 60.00* ³	\$ 60.00* ³
Physical Examination	\$100.00	\$100.00	\$100.00
Drug Test	\$ 49.00	\$ 49.00	\$ 49.00
USCG Examination Fee * ⁴	\$ 95.00* ²	\$ 95.00	\$ 95.00* ²
USCG Approved OUPV Course	\$750.00* ²	-	\$500.00* ²
Safe Boating Course	-	\$ 30.00	-
TOTAL (for Original)	\$581.50 or \$1,236.50* ²	\$551.50* ³ or \$611.50	\$521.50* ³ , \$581.50, or \$986.50* ²
TOTAL (for Renewal)	\$426.50	\$426.50	\$426.50

*1 TSA collects fingerprints and background information during TWIC enrollment and provides this information to the Coast Guard in order to complete documentation for the Merchant Mariner Credential (MMC). The Coast Guard is not currently set up to collect mariner fingerprints and to complete certain functions performed by TSA as part of the TWIC evaluation. If a TWIC is not required, alternative arrangements for these functions would be studied and may result in additional costs.

*2 Mariners must complete a Coast Guard examination OR an approved course may be taken in lieu of examination.

*3 CPR & first aid training required when medical services are not readily available in a reasonable time.

*4 Fees collected by the Coast Guard.

- **MERCHANT MARINER CREDENTIAL APPLICATION & ISSUANCE:** The mariner must complete and mail the application to one of the 17 Regional Examination Centers (RECs). The MMC is valid for five years.
- **CPR & FIRST AID TRAINING:** Mariners may take a course from a local chapter of the American Red Cross, the American Heart Association, or from a Coast Guard approved provider.
- **PHYSICAL FITNESS:** The mariner must submit a report of physical examination. The examination may be performed by the mariner’s doctor or any licensed physician.
- **CHEMICAL TEST FOR DANGEROUS DRUGS -** The mariner must pass a chemical test for dangerous drugs. Substance Abuse & Mental Health Services Administration (SAMSHA) drug screens are available from private laboratories nation-wide.
- **EXAMINATION:** An applicant must complete either a professional examination administered by the Coast Guard or complete a Coast Guard approved OUPV course in lieu of the examination. OUPV courses are available from over 70 providers nation-wide.
- **SAFE BOATING COURSE –** Mariners applying for a limited OUPV endorsement typically take a Safe Boating course approved by the National Association of State Boating Law Administrators instead of a Coast Guard administered examination or an approved OUPV course.